

REMARKS/ARGUMENTS

I. STATUS OF THE APPLICATION

Claims 1, 6-9, 11-18, and 22-28 are presently pending and stand rejected. By way of this response, two (2) claims have been amended and eleven (11) claims have been added.

Applicants respectfully submit that no new matter has been added by way of this amendment.

SUPPORT CHART

Support for the amendments and new claims can be found at least as shown below:

CLAIM	SUPPORT
Claim 1	Paragraphs [0139] and [153] in the application as published (US 20050118242).
Claim 8	Paragraph [0194] in the application as published (US 20050118242), and in Claim 8 as originally filed.
Claim 43	Paragraphs [0139] – [0143], [152] in the application as published (US 20050118242), and in Claim 4 as originally filed.
Claim 44	Paragraph [146] in the parent application as published (US 20040002482).
Claim 45	Paragraphs [0138] – [0139] in the application as published (US 20050118242), and in Claim 1 as originally filed.
Claim 46	Paragraphs [0139] – [0143], [152] in the application as published (US 20050118242), and in Claim 4 as originally filed.
Claim 47	Paragraphs [0139] – [0143], [152] in the application as published (US 20050118242), and in Claims 4 and 7 as originally filed.
Claim 48	Paragraphs [0139] – [0143], [152] in the application as published (US 20050118242), and in Claims 4 and 8 as originally filed.
Claim 49	Paragraph [0150] in the application as published (US 20050118242).
Claim 50	Paragraph [0153] in the application as published (US 20050118242).
Claim 51	Paragraph [0154] in the application as published (US 20050118242).
Claim 52	Paragraph [0157] in the application as published (US 20050118242).
Claim 53	Paragraph [0158] in the application as published (US 20050118242).

II. THE REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH SHOULD BE WITHDRAWN.

Claim 8 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. In particular, the Examiner pointed out that the compound, “carboxyniethylene,” does not exist. *See* Office Action, pg. 3. Without admitting or conceding in any manner that rejected Claim 8 fail to comply with 35 U.S.C. § 112, second paragraph, and solely to expedite the prosecution of the present application, Claim 8 has been amended to correct a typographical error as suggested by the Examiner. Applicants respectfully submit that this rejection is now moot, and withdrawal of the rejection of Claim 8 under 35 U.S.C. § 112, second paragraph, is respectfully requested.

III. THE REFERENCE CITED IN THE FEBRUARY 5, 2009 OFFICE ACTION DOES NOT RENDER ANY OF THE CLAIMS UNPATENTABLE UNDER 35 U.S.C. § 103(a).

In the Office Action, the Examiner rejected Claims 1, 6-9, 11-18, and 22-28 under 35 U.S.C. § 103(a) over U.S. Patent Appl. Ser. No. 10/153,468 (U.S. 2003/0022877; “Dudley”). Applicant respectfully traverses this rejection.

Applicant respectfully submits that Dudley cannot be relied on as a prior art reference under §103(a). The current application is a continuation of U.S. Provisional Application Serial No. 60/292,398, filed May 21, 2001 and U.S. Patent Application Serial No. 10/098,232, filed March 15, 2002, which is a continuation-in-part of U.S. Patent Application Serial No. 09/703,753, filed November 1, 2000, which is a continuation-in-part application of U.S. Patent Application Serial No. 09/651,777, filed August 30, 2000, which granted as US 6,503,894. Applicants respectfully submit that there is support for the pending claims in the most recent related application – U.S. Patent Application Serial No. 10/098,232, filed March 15, 2002. Furthermore, Applicants do not waive their right to claim an earlier priority date. As such, this application claims priority through related application(s) at least before the publication date of Dudley (January 30, 2003), thus Dudley is not prior art. Accordingly, Applicants submit that no *prima facie* case of obviousness has been established by the Examiner.

For the foregoing reasons, Applicants respectfully request withdrawal of the rejection of Claims 1, 6-9, 11-18, and 22-28 under 35 U.S.C. § 103(a) and allowance of new claims 43-53.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that the pending claims are in condition for allowance. Early and favorable consideration is respectfully requested, and the Examiner is encouraged to contact the undersigned with any questions or to otherwise expedite prosecution. Further, none of Applicants' amendments are to be construed as dedicating any such subject matter to the public, and Applicants reserve all rights to pursue any such subject matter in this or a related patent application.

Kindly contact the undersigned with any questions or to otherwise expedite prosecution.

Respectfully submitted,

/Joseph A. Mahoney/

Joseph A. Mahoney

Reg. No. 38,956

CUSTOMER NUMBER 26565
MAYER, BROWN, ROWE & MAW LLP
P.O. Box 2828
Chicago, IL 60690-2828
Telephone: (312) 701-8286
Facsimile: (312) 706-9000